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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 Ivory Berube,

9 Petitioner,

10 v.

11 Jeffrey Uttecht,

12 Respondent.

CASE NO. C17-288 RSM

ORDER OF DISMISSAL

13 The Court, having reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and
14 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any
15 objections and responses if filed, and the remaining record, finds and **ORDERS** as follows:

- 16 (1) The Court **ADOPTS** the Report and Recommendation;
- 17 (2) Petitioner's federal habeas petition (Dkt. #6) is **DISMISSED** with prejudice
18 pursuant to 28 U.S.C. § 2244(d)(1);
- 19 (3) Petitioner is **DENIED** issuance of a certificate of appealability;
- 20 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
Tsuchida.

21 DATED this 4th day of May 2018.

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RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE